

1406806-Court-A-U.S.
HERBERT FRANK ALLEN
ATTORNEY AT LAW
PO BOX 1258
TARBORO, NC 27886-1258

IN RE
SYLVIA NOEL
2716 HODGES ROAD

KINSTON, NC 28504
SSN or Tax I.D. XXX-XX-2279

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 14-06806-5-DMW

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 11/26/2015, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
SYLVIA NOEL	HERBERT FRANK ALLEN	Joseph A. Bledsoe, III
2716 HODGES ROAD	ATTORNEY AT LAW	P.O. Box 1618
KINSTON, NC 28504	PO BOX 1258	New Bern, NC 28563
	TARBORO, NC 27886-1258	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 26, 2015

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

CASE NUMBER: 14-06806-5-DMW

SYLVIA NOEL

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on January 5, 2015, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,675.00	for	60	Months
	for		Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before April 6, 2015 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before May 20, 2015 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#800 Select Portfolio	Residence	Outside
#820 NC Housing	Residence 2 nd lien	Outside

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#027 Lenoir Co Tax	Tax lien	\$1,764.55 @ 10.25% to be paid over life of plan

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#001 Ally Financial	'07 Hummer H2	\$39,625.00 secured \$3,552.89 unsecured	5.25% to be paid over life of plan

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
#005 Dwight Rouse	Land that daycare is on	Assume
#013 Eric Rouse	Modular unit for daycare	Assume
#030 Leonard Aluminum Utility Bldgs	Building	Assume

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 14-06806-5-DMW****DEBTORS: SYLVIA NOEL****EMPLOYMENT:**

Debtor: DAY CARE GROSS INCOME: \$82,800.00
 BUSINESS/SUPPORT/FINANCE
 CONTRIBUTIONS

Spouse:

Prior Bankruptcy cases: Yes ☒ No ☐ If so, Chapter 13 filed 8/11/94

Disposition: Discharge entered 11/3/1997

Joint Chapter 13 Filed 9/23/99 - Discharge entered 11/18/02

Joint Chapter 13 filed 10/19/11 - Dismissed on Debtor's Motion 9/12/12

Individual Chapter 13 filed 11/21/12 - Dismissed on Trustee's Motion 9/12/14

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐
 Description: RESIDENCE AND LOT, 2716 HODGES ROAD, KINSTON, NC (1/2
 UNDIVIDED INTEREST WITH EX-HUSBAND)

FMV	\$170,486.00	Date Purchased
Liens	\$221,066.00	Purchase Price
Exemptions	\$0.00	Improvements
Equity	\$ 0.00	Insured For
Rent		Tax Value

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐
 Description: COMMUNITY CEBTER/POOL WITH 2 BATHROOMS (1/2 UNDIVIDED
 INTEREST)

FMV	\$12,811.00	Date Purchased
Liens	\$0.00	Purchase Price
Exemptions	\$3,805.75	Improvements
Equity	\$9,005.25	Insured For
Rent		Tax Value

COMMENTS:

<u>Attorney</u>	Requested:	\$3,700.00	(excluding filing fee)
<u>Fees:</u>	Paid:	\$1,149.50	(excluding filing fee)
	Balance:	\$2,950.50	

Trustee's Recommendation: \$3,700.00
 Comments:

Plan Information:

Plan Information:	After 341	Payout % After 341
Total Debts \$ 0.00	Pay in \$100,500.00	Priority 100.00%
Priority \$20,108.78	Less 6.00% \$6,030.00	Secured 100.00%
Secured \$45,118.19	Subtotal \$94,470.00	Unsecured 100.00%

Unsecured	\$22,344.42	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$94,470.00	Co-Debts	%
Co-Debtor					

<u>Objection to Confirmation:</u>	Payroll Deduction:		Yes	X	No	<input type="checkbox"/>
	Yes	X	No	<input type="checkbox"/>		

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes X No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CASE: 1406806 TRUSTEE: 2V COURT: 278
 TASK: 10-23-2015.00485485.LSA000 DATED: 10/26/2015

Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	SYLVIA NOEL	2716 HODGES ROAD KINSTON, NC 28504
799	000002 HERBERT FRANK ALLEN PO BOX 1258	ATTORNEY AT LAW TARBORO, NC 27886-1258
002	000017 CENTURY LINK PO BOX 5471	C/O RMS MOUNT LAUREL, NJ 08054
036	000039 PENDRICK CAPITAL PARTNERS 507 PRUDENTIAL ROAD HOSHAM	C/O NCO FINANCIAL SYSTEMS, INC HORSHAM, PA 19044
018	000010 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
020	000027 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
016	000059 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
016	000008 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
017	000009 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
019	000026 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
016	000060 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
047	000050 US CELLULAR PO BOX 12914	C/O PORTFOLIO RECOVERIES NORFOLK, VA 23541
043	000046 SUDDENLINK 11821 ROCK LANDING DR	C/O CREDIT CONTRIL NEWPORT NEWS, VA 23606
030	000035 LEONARD ALUMINUM UTILITY BLDGS PO BOX 1728	DBA LEONARD BUILDINGS & TRUCK MOUNT AIRY, NC 27030
035	000038 PATHOLOGY ASSOCIATES KINSTON 415 N EDGEWORTH ST STE 210	C/O STERN & ASSOCIATES GREENSBORO, NC 27401
032	000013 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
033	000014 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
034	000037 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
820	000004 NC HOUSING FINANCE AUTHORITY	3508 BUSH STREET RALEIGH, NC 27609
822	000005 NC HOUSING FINANCE AUTHORITY	3508 BUSH STREET RALEIGH, NC 27609
011	000015 EMPLOYMENT SECURITY COMMISSION POST OFFICE BOX 26504	ATTN: BENEFIT PAYMENT CONTROL RALEIGH, NC 27611-6504
012	000016 EMPLOYMENT SECURITY COMMISSION POST OFFICE BOX 26504	ATTN: BENEFIT PAYMENT CONTROL RALEIGH, NC 27611-6504
008	000021 EASTERN RADIOLOGISTS PO BOX 876	C/O SCA COLLECTIONS GREENVILLE, NC 27834

CASE: 1406806 TRUSTEE: 2V COURT: 278
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053	000063	POOL PRO OF GREENVILLE. LLC	2803 EVANS ST GREENVILLE, NC 27834
007	000020	EASTERN RADIOLOGISTS	2101 W ARLINGTON BLVD STE 210 GREENVILLE, NC 27834-5758
015	000025	GREENVILLE POOL & SUPPLY	3730 S CHARLES BLVD GREENVILLE, NC 27858
050	000056	MATTHEW ZACHARY PHELAN 10130 PERIMETER PKWY, SUITE 400	SHAPIRO & INGLE, L.L.P. CHARLOTTE, NC 28216
044	000047	SUNCOM	P O BOX 96067 CHARLOTTE, NC 28296-0067
045	000048	UNIVERSITY OF MOUNT OLIVE	634 HENDERSON ST MOUNT OLIVE, NC 28365
006	000019	EASTERN EYE ASSOCIATES	1007 W. VERNON AVE KINSTON, NC 28501
013	000054	ERIC ROUSE	PO BOX 6115 KINSTON, NC 28501
054	000064	SWINDELL LAW FIRM PO BOX 6373	127 S. QUEEN ST KINSTON, NC 28501
022	000034	KINSTON LENOIR MEMORIAL	PO DRAWER 1678 KINSTON, NC 28501-0000
024	000029	KINSTON MEDICAL SPECIALISTS PA SUITE N	701 DOCTOR DRIVE KINSTON, NC 28501-1584
003	000055	DANIEL DEANS	PO BOX 172 KINSTON, NC 28502
041	000043	ST. MARK CHURCH MINISTRIES, INC.	PO BOX 881 KINSTON, NC 28502
042	000045	STALLINGS PLUBMING PO BOX 3168	HEATING & AIR KINSTON, NC 28502
027	000011	LENOIR COUNTY TAX DEPT	P O BOX 3289 KINSTON, NC 28502-0000
028	000012	LENOIR COUNTY TAX DEPT	P O BOX 3289 KINSTON, NC 28502-0000
005	000053	DWIGHT ROUSE	PO BOX 1559 KINSTON, NC 28503
037	000040	ROBERT M DEEPE MD	PO BOX 5485 KINSTON, NC 28503
040	000044	ST MARK CHURCH MINISTRIES PO DRAWER 1475	C/O ATTY JAMES S. PERRY KINSTON, NC 28503
039	000042	SPRINGLEAF FINANCIAL SERVICES 4167 W VERNON AVE	KINSTON POINTE SHOPPING CENTER KINSTON, NC 28504
021	000028	JOSH BRADSHAW PLUMBING	PO BOX 303 DEEP RUN, NC 28525
029	000033	LENOIR MEMORIAL HOSPITAL	PO BOX 1678 GRIFTON, NC 28530
023	000030	KINSTON MEDICAL SPECIALISTS PO BOX 1489	C/O ONLINE COLLECTIONS WINTERVILLE, NC 28590
046	000049	UNIVERSITY OF MOUNT OLIVE PO BOX 11590	C/O WILLIAMS & FUDGE INC ROCK HILL, SC 29731
010	000023	EMPLOYEE OF LENOIR COUNTY PO BOX 714242	C/O ESCALLATE LLC COLUMBUS, OH 43271

CERTIFICATE OF MAILING

0015

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TASK: 10-23-2015.00485485.LSA000 DATED: 10/26/2015

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009	000022	EMP OF LENOIR COUNTY	4535 DRESSLER RD CLANTON, OH 44718
025	000031	KINSTON THORACIC VASCULAR 7870 CAMARGO RD	C/O PARSON BISHOP NATIONAL COLL CINCINNATI, OH 45243
001	000003	ALLY FINANCIAL PO BOX 130424	by ALLY SERVICING, LLC ROSEVILLE, MN 55113-0004
001	000062	ALLY FINANCIAL PO BOX 130424	by ALLY SERVICING, LLC ROSEVILLE, MN 55113-0004
048	000051	VERIZON	PO BOX 26055 MINNEAPOLIS, MN 55426-6055
052	000061	AMERICAN INFOSOURCE LP PO BOX 248848	T MOBILE/ T MOBILE USA INC OKLAHOMA CITY, OK 73124-8848
051	000057	AMERICAN INFOSOURCE PO BOX 248848	T MOBILE / T-MOBILE USA OKLAHOMA CITY, OK 73124-8848
038	000041	SELECT PORTFOLIO SERVICING	PO BOX 65250 SALT LAKE CITY, UT 84165
800	000006	SELECT PORTFOLIO SERVICING	PO BOX 65250 SALT LAKE CITY, UT 84165
802	000007	SELECT PORTFOLIO SERVICING	PO BOX 65250 SALT LAKE CITY, UT 84165
031	000036	MOBILE MINI	7420 S KYRENE RD STE 101 TEMPE, AZ 85283
004	000018	DIRECT TV 610 WALTHAM WAY	C/O FNCB SPARKS, NV 89434
026	000032	KLERITEC	15823 MONTE ST 103 SYLMAR, CA 91342
049	000052	VERIZON WIRELESS	1247 BROADWAY SONOMA, CA 95476
014	000024	FAMILY MOBILE	PO BOX 629026 EL DORADO HILLS, CA 95762-9026

65 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 10/26/2015.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 10/26/2015 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail